

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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|-----------------------------|---|---|
| CARLO M. CROCE, | : | |
| | : | |
| Plaintiff, | : | Case No. 2:17-cv-00402 |
| | : | |
| v. | : | Judge James L. Graham |
| | : | |
| THE NEW YORK TIMES COMPANY, | : | Magistrate Judge Elizabeth A. Preston Deavers |
| <i>et al.</i> , | : | |
| | : | |
| Defendants. | : | |

**JOINT MOTION TO ENTER A STIPULATED AND AGREED ORDER
WITHDRAWING AND DISMISSING PLAINTIFF’S DEFAMATION SUB-CLAIM
CONCERNING “STATEMENT 19” WITH PREJUDICE**

Plaintiff Carlo M. Croce and Defendants The New York Times Company, James Glanz, Agustin Armendariz, Arthur Ochs Sulzberger Jr., and Dean Baquet, hereby jointly move, pursuant to Fed. R. Civ. P. 15(a), that the Court enter an order granting a proposed Stipulated and Agreed Order Withdrawing and Dismissing Plaintiff’s Defamation Sub-claim Concerning “Statement 19” with Prejudice (the “Proposed Order”). A copy of the Proposed Order is attached hereto as Exhibit A.

Pursuant to the Proposed Order, Plaintiff and Defendants stipulate and agree that the only remaining claim against Defendants after this Court’s Opinion & Order [Doc. #54] is a defamation sub-claim identified for Statement 19, which is to be withdrawn from Plaintiff’s First Amended Complaint, and is to be dismissed with prejudice. By entering the Proposed Order, all claims by Plaintiff against Defendants will have been resolved either by this Court’s Opinion and Order [Doc. #54] or by the Proposed Order. As such, entry of the Proposed Order constitutes a final order pursuant to 28 U.S.C. § 1291.

The Parties jointly request that this Court enter the Proposed Order, attached hereto as Exhibit A.

Respectfully submitted,

/s/ James E. Arnold

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 14, 2018 a true and accurate copy of the foregoing was filed with the Court using the Clerk of Court's cm/ecf system, which by its operation will send notice of this filing to all parties that have entered an appearance in this matter. Parties may access the filing through that system.

/s/ James E. Arnold

James E. Arnold